IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 110 of 2005

For Approval and Signature:

HON'BLE MR JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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TATA CHEMICALS LIMITED - Petitioner(s)

Versus

DEVIBEN BHIKHABHAI & 1 - Respondent(s)

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Appearance :

MR KM PATEL for Petitioner No(s).: 1.

MR PANKAJ R DESAI for Respondent No(s).: 1.

NOTICE SERVED for Respondent No(s).: 2.

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CORAM : HON'BLE MR JUSTICE M.R. SHAH

Date : 25/07/2005

ORAL JUDGMENT

Rule. Mr. Pankaj R. Desai, learned advocate for respondent No.1 waives service of Rule. In this petition under Article 226/227 of the Constitution of India, the petitioner company has challenged the legality and validity of the judgment and award

passed by the Labour Court, Jamnagar, dated 14.10.2004 in Reference (LCJ) No. 529 of 1991.

2. Considering the fact that the respondent No.1 is suffering from Cancer Shri K.M. Patel, learned advocate appearing on behalf of the petitioner company has made a statement that the petitioner company will pay an amount of Rs. 1,10,000 towards ex-gratia compensation and towards all claims as full and final settlement which might be due and payable to the respondent No.1 preferably within the period but not later than two weeks from today. He has further submitted that the Provident Fund amount, if any, would be paid as early as possible preferably within the period of 4 weeks from today. The petitioner shall pay the said amount by Account Payee Cheque to the respondent No.1 directly. It is reported by Shri Pankaj R. Desai, learned advocate appearing for the respondent No.1 that respondent No.1 is not in a position to come to this Hon'ble Court and her son is present in the Hon'ble Court who has agreed to accept the aforesaid amount. It is hoped that the aforesaid amount will be utilised by the family members for medical treatment of respondent No.1. The petitioner is directed to comply with their aforesaid statement.

3. In view of the aforesaid facts and with the consent of the learned advocates for the parties, the

judgment and award passed by the Labour Court, Jamnagar which is impugned in the present Special Civil Application is modified to the aforesaid extent. Rule is made absolute to the aforesaid extent with no order as to costs.

[M.R. Shah, J.]

RMR.